SOUTHERN DISTRICT OF NEW YORK	
SERGEY LEONTIEV,  Plaintiff,	X : : :
-against-	: : No. 16-cv-03595 (JSR)
ALEXANDER VARSHAVSKY,	: :
Defendant.	: :
	: X

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## DECLARATION OF ROBERT L. WEIGEL IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S SECOND CAUSE OF ACTION

- I, ROBERT L. WEIGEL, an attorney duly admitted to practice before the Courts of the State of New York, declare under penalty of perjury as follows:
- 1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP, and am counsel of record for Plaintiff Sergey Leontiev. As such, I am fully familiar with the facts set forth in this Declaration.
- 2. I respectfully submit this Declaration in opposition to Defendant's motion to dismiss Plaintiff's second cause of action.
- 3. A true and correct copy of the corporate registration records of OOO Agro-Invest ("Agro-Invest") as available on Russia's United State Registry of Legal Entities (EGRUL), dated March 21, 2016, and a certified English translation thereof, is attached hereto as Exhibit A. Exhibit A shows that Maxbond Limited ("Maxbond") is the sole shareholder of Agro-Invest.
- 4. A true and correct copy of Defendant Alexander Varshavsky's affidavit filed in *Renova Industries Ltd. v. New York Motors Corp.*, No. 13-cv-3424 (KM) (D.N.J.), dated

September 13, 2013, is attached hereto as Exhibit B. Paragraph 14 of Exhibit B shows that Mr. Varshavsky controls Maxbond.

- 5. A true and correct copy of Severny Morskoy Put ("SMP") Bank's disclosure of a 3.5 billion RUR loan to Agro-Invest, as filed with Interfax's Center for the Disclosure of Corporate Information, dated September 1, 2014, and a certified English translation thereof, is attached hereto as Exhibit C.
- 6. A true and correct copy of the "Shareholders" page on SMP Bank's English-language website, available at <a href="http://smpbank.com/node/6">http://smpbank.com/node/6</a> and last accessed on July 7, 2016, is attached hereto as Exhibit D. Exhibit D shows that Arkady and Boris Rotenberg control more than 77% of the shares of SMP Bank.
- 7. A true and correct copy of a press release issued by the United States Treasury Department, dated March 20, 2014, is attached hereto as Exhibit E. Exhibit E shows that the United States Treasury's Office of Foreign Assets Control ("OFAC") designated Arkady and Boris Rotenberg on its sanctions list because they are "controlled by, ha[ve] acted for or on behalf of, or ha[ve] provided material or other support to, [] senior Russian government official[s]."
- 8. A true and correct copy of a press release issued by the United States Treasury

  Department, dated April 28, 2014, is attached hereto as Exhibit F. Exhibit F shows that OFAC

  designated SMP Bank on its sanctions list because it is "controlled by Arkady and Boris

  Rotenberg who were designated on March 20, 2014."

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I	declare under penalty of perjury that the foregoin	g is true and correct.	Executed on July
8, 2016.			

/s/ Robert L. Weigel Robert L. Weigel